

Code of the Town of Skaneateles, New York  
Chapter 148

ARTICLE V  
Overlay District (LW).

§ 148-21. Lake Watershed Overlay District (LLW).

A. Findings and purpose. The Town of Skaneateles finds that the drinking water quality of Skaneateles Lake represents a priceless economic, environmental, aesthetic and recreational resource. The comprehensive plan and supporting studies of lake water quality issues establish a sound justification and framework for protecting the quality of the lake's water. It is the purpose of this section to establish regulations on land uses within the Skaneateles Lake Watershed to assure the protection of the quality of the lake's water resources from non-point and point source pollution, while allowing flexibility of land use consistent with maintaining such quality. The town desires to achieve such protection by cooperating with the city of Syracuse in implementing the city's regulations to protect the quality of Skaneateles Lake as a water supply reservoir. In addition, the town finds that preserving the water quality of Owasco Lake is similarly important to the communities that depend on that lake, and therefore the town includes the watershed of Owasco Lake within the coverage of these regulations.

B. Boundaries. The boundaries of the Lake Watershed Overlay District are shown on a map entitled "Zoning Map, Overlay District, Town of Skaneateles," on file in the office of the Town Clerk. The overlay district is divided into two (2) subdistricts covering the two (2) lake watersheds: Skaneateles and Owasco. A reduced copy of this map, for reference only, is included as an attachment to this chapter (included on attached Proposed Zoning Map).

C. Effect of district. Within the Lake Watershed overlay District, all of the underlying land use district rules remain in effect, except as they are specifically modified by this § 148-21. In addition, within the entire LW District, the current City of Syracuse Watershed Rules and Regulations shall apply and be enforceable by the town, regardless of whether a permit or approval is requested from the town; except in that part of the town that lies within the Owasco Lake Watershed, the current Owasco Lake Watershed Rules and Regulations shall apply.

D. Prohibited uses. The following uses, when conducted at a scale larger than that of an ordinary household, shall be prohibited in the LW District. Agricultural uses and existing facilities that engage in these activities may continue and expand, provided that they comply with all applicable laws and regulations.

(1) Disposal of hazardous material or solid waste.

(2) Treatment of hazardous material, except rehabilitation programs authorized by a government agency for treating hazardous material that existed on the site prior to the adoption

of this land use law.

(3) Production of hazardous material.

(4) Dry-cleaning , dyeing, printing, photo processing and any other business that stores, uses or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous material.

(5) Disposal of septage or septic sludge.

(6) Automobile service stations.

(7) Petroleum product pipelines, exclusive of natural gas.

(8) Junkyards.

(9) truck terminals.

#### E. Skaneateles Lake Watershed procedures.

(1) A copy of any application for a building permit, a zoning permit, area variance, use variance, special permit, site plan approval, zoning amendment, subdivision sketch plan, preliminary subdivision plat or (final) subdivision plat, occurring partly or wholly within the Skaneateles Lake watershed, Shall be submitted simultaneously with its submission to the town, to the city of Syracuse pursuant to the City's watershed Regulations, Section 131.1 of part 131 title 10 of the official Compilation of Codes, Rules and Regulations of the State of New York. Such submission shall be the applicant's responsibility.

(2) The City of Syracuse shall be considered an involved agency for purposes of the State Environmental Quality Review Act<sup>11</sup> and shall be entitled to participate as a party in any proceeding before the Town Board, Planning Board or Zoning board of Appeals.

(3) The reviewing board or Codes Enforcement Officer shall incorporate all conditions and mitigation measures recommended the city to ensure compliance with the city's Watershed Regulations. No variance from this Subsection E may be granted by the Zoning Board of Appeals unless a Variance has first been obtained from the Commissioner of the Onondaga County Department of Health, as provided in the city's Watershed Regulations.

(4) The town shall send the city copies of all permits or approvals granted by the town pursuant to this §148-21E, including the rationale for granting such permits and all conditions and mitigation measures imposed. The town shall also send the city copies of all denials of permits or approvals, including any reasons given for such denials. This Subsection E (4) shall not apply to actions taken on building permits or subdivision sketch plans.

F. Owasco Lake Watershed procedures.

(1) A copy of any application for a building permit, zoning permit, area variance, use variance, special permit, site plan approval, zoning amendment or preliminary subdivision plat, occurring partly or wholly within the Owasco Lake watershed, shall be submitted to the City of Auburn simultaneously with its submission to the town. Such submission shall be the applicant's responsibility. The city of Auburn may comment and appear as an interested agency in any proceeding before a town municipal board.

(2) The town shall send the city copies of all permits or approvals granted by the town pursuant to this §148-21F, including the rationale for granting such permits and all conditions and mitigation measures imposed. The town shall also send the city copies of all denials of permits or approvals, including any reasons given for such denials.

G. Performance criteria.

(1) compliance with Syracuse and Auburn Watershed Regulations.

(a) All development in the Skaneateles lake Watershed shall comply the city of Syracuse's Watershed regulations and Onondaga County Health Department regulations.

(b) All development within the Owasco lake Watershed shall comply with the City of Auburn Watershed regulations and the Cayuga County Health Department regulations.

(c) Any term used in this §148-21 which is defined in the City of Syracuse Watershed Regulations, but not in this Chapter, shall carry the meaning given in the City's definition.

(2) In evaluating applications for any development within the Watershed Overlay District, the reviewing board or official shall ensure that:

(a) Non-point source pollution is prevented to the extent practical, by taking into account slope gradient, soil erosivity, intensity and amount of pollutant application and exposure and season of soil and/ or pollutant exposure.

(b) Travel time to watercourses is sufficient for those pollutants whose potential impact is neutralized by delayed contact with the lake.

(c) Pollutant loadings will not damage any watercourse.

(d) grading and removal of vegetation is minimized.

(e) All sewage disposal systems will be monitored, inspected and maintained regularly, to ensure proper functioning and protection of the water quality of the lake and its tributaries.

Where two (2) or more dwelling units share a common sewage disposal system, a perpetual maintenance contract enforceable by the town may be required.

(3) In order to fulfill the purposes of this §148-212, the reviewing board shall designate acceptable

areas, site disturbance and construction on all subdivision plats and site plans. Outside such areas, site disturbance may occur only as minimally necessary for construction of drives ways, utilities, fences, septic systems and other structures that cannot practically be located within the acceptable area. The acceptable area for building a single-family residence shall be larger than thirty thousand (30,000) square feet and shall contain at least ninety percent (90%) buildable land.

#### H. Conditions and findings.

1) Before granting approval of any subdivision, special permit, site plan, variance or zoning amendment that includes land wholly or partially located within the LW District, the reviewing board shall impose appropriate conditions and make a written finding that proposed development has been designed in a manner that minimizes damage to water resources.

(2) Such conditions may include a requirement that a conservation easement (as provided in §148-9H) be granted by the applicant to protect all or a portion of the land within the LW District. Such conditions shall not deprive the applicant of economically reasonable relationship to the fulfillment of the purposes of this §148-21.

#### I. Agriculture.

(1) Agricultural uses shall comply with Agricultural Management practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York (1992) as published and amended by the Bureau of Water, Department of Environmental Conservation (DEC). This publication is available for public inspection and copying from the Department of Health, Bureau of Management Services, Empire State Plaza, Corning Tower, Room 223, Albany, New York 12237.

(2) Exemption for whole farm planning program and approved as such by the City of Syracuse, New York State Department of Health or the Onondaga County Soil and Water Conservation District, shall be exempt from the provision in §148-21I(1).